

March 21, 2024  
AD 88  
Ct. No.14  
SG

WPA 5325 of 2024

*Kalyan Kumar Bandhu*  
*vs*  
*The State of West Bengal and others*

Mr. Ujjal Ray  
... for the petitioner

Mr. Somnath Ganguly  
Ms. Priyamvada Singh  
... for the State

Mr. Sanjib Seth  
Mr. Abhijit Singha Roy  
... for the respondent No.5

Affidavit of service filed in Court is taken on record.

Report filed by the State is also taken on record.

Learned counsel for the petitioner submits as follows. The petitioner is the owner of the property in question. He had a plan sanctioned by the Memari Municipality for making construction at the said plot of land. Then he started the construction. The respondent Nos.7 to 10 prevented the petitioner from making any further construction. They demanded money, which he refused to pay. The petitioner moved an application before the learned Magistrate under Section 144 of the Code. A favourable order was granted. On that very day there was severe stone pelting at the petitioner's house, which resulted in damages. In spite of

bringing this to the notice of the police authorities, no adequate steps have been taken.

Learned counsel for the Memari Municipality submits that a plan has indeed been sanctioned in favour of the petitioner for the plot of land in question.

Learned counsel for the State relies on the report and submits that the respondent Councillor might have tried to intervene to chalk out an overall plan for a new drainage system. However, the police have taken steps and initiated proceedings under Section 107 of the Code against both the sides. The police are keeping a close watch in the locality.

It appears that the petitioner has a sanctioned plan for construction on his own property. Therefore, no one except with a contrary court order, can obstruct him in carrying out such construction work.

If any complaint of the petitioner makes out a cognizable case, the police authorities shall consider registering an FIR over the same.

Even otherwise, the police authorities shall keep a sharp vigil at the locale, ensure that no breach of peace takes place and see to it that no harm is done to the petitioner and his family members. Surveillance shall include frequent visits by police patrol.

In the event any such untoward incident occurs or is apprehended, the petitioner shall be at liberty to call up the Officer-in-Charge of Memari Police Station who shall then act in accordance with law.

With these observations, the writ petition is disposed of.

Urgent certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

Parties shall act on server copy downloaded from the official website of this Court.

**[ Jay Sengupta, J. ]**